

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action mailed October 17, 2008. In that Final Office Action claims 1, 3, 5-21 and 24-27 were examined, and all claims were rejected. More specifically, claims 1, 3, 5-21, 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holtmanns et al. (U.S. App. 2005/0086061, hereinafter “Holtmanns”) in view of Heard et al. (U.S. 7,437,752, hereinafter “Heard”). Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1, 5-7, 9-10, 13, 15-21, 24-25 and 27 have been amended, claim 14 has been canceled, and no claims have been added.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 3, 5-21, 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Holtmanns in view of Heard.

Applicant respectfully traverses the § 103(a) rejection because either the Office Action has failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner’s arguments moot. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references must teach or suggest all of the claimed limitations to one of ordinary skill in the art at the time the invention was made.

In General, Holtmanns discloses the transmission of a *service provider’s* privacy policy as part of a “privacy receipt” upon request for services by a *user’s* computing system where the user’s personal information is transmitted. (Holtmanns, paras. [0041] – [0042].) Specifically, Holtmanns discloses providing “a privacy receipt to a user who has communicated personal information to a third party.” (Holtmanns, para. [0014].) The privacy receipt may contain data including who obtained the user’s personal information, and what privacy policy the third party used in obtaining the personal information. (See Holtmanns, paras. [0014] – [0015].) According to Holtmanns, the privacy policy “...includes rules and regulations of how personal information is to be accessed, processed, distributed stored, etc. by the service provider.” (Holtmanns, para. [0063].)

Thus, when a user of Holtmanns' system requests a service from a service provider, the user sends a service request to the service provider. In response, the service provider requests personal information from the user and sends with it, the privacy policy in the "privacy receipt." The user may review the privacy policy and submit the personal information to the service provider. (*See Holtmanns*, paras. [0064] – [0068].) Upon receipt of the requested personal information, the service provider provides the requested service to the user. (*Holtmanns*, paras. [0068] – [0070].) At any time after the user has submitted the personal information to the service provider, the user may access the privacy receipt to check alleged violations of the privacy policy. (*Holtmanns*, para. [0071].)

In contrast, claim 1 recites "a *user policy-controlled* automated response to an information transfer request from a requesting computing system," as stated in the preamble of claim 1. The "user policy *is set by the user*, and the user policy defines parameters, i.e. rules and values, for use in controlling the response information to be provided in reply to information requests from the requesting computing system." (*Specification*, Abstract, emphasis added.) Indeed, even the automated responses generated by a user's computing cell phone are "controlled responses . . . based on a user policy *specified by the user*." (*Id.*, emphasis added.)

Specifically, Holtmanns does not disclose, *inter alia*, "setting a user policy *controlled by the user*, the user policy defining parameters for use in controlling an automated reply to information transfer requests from the requesting computing system," "applying parameters of the *user policy* to the information transfer request to allocate a response and to set a response level *based on the user policy* in order to provide the *user policy-controlled automated response* to the requesting computing system," and "delegating the response based on the response level and sending the response to the requesting computing system," as recited in amended claim 1 (emphasis added). Rather, Holtmanns discloses a user's *receipt* of a *service provider's* privacy policy.

Heard does not compensate for the deficiencies of Holtmanns. Heard discloses methods for a client module to securely communicate with other wireless devices. (*Heard*, Abstract.) Specifically, Heard discloses a "rules engine [that] can enforce which devices to which the communications module . . . can communicate." (*Heard*, col. 12, lines 60-61.) Rules engine "provides authorization based on the policy data in its store." (*Heard*, col. 12, lines 47-48.) The

policy databases holds information, such as “a list of devices that can be communicated with, a list of devices that cannot be communicated with or a list of keys stored in the encryption module . . . with which can be used to authenticate devices.” (Heard, col. 12, lines 62-65.) Based on the stored policies, Heard discloses “deny[ing] authorization to the communications module . . . to communicate with an external device.” (Heard, col. 13, lines 12-13.) However, as with Holtmanns, Heard does not disclose or teach, *inter alia*, “setting a user policy *controlled by the user*, the user policy defining parameters for use in controlling an automated reply to information transfer requests from the requesting computing system,” “applying parameters of the *user policy* to the information transfer request to allocate a response and to set a response level *based on the user policy* in order to provide the user policy-controlled automated response to the requesting computing system,” and “delegating the response based on the response level and sending the response to the requesting computing system,” as recited in amended claim 1 (emphasis added).

Independent claims 10 and 19, as amended, recite similar limitations to claim 1. For example, claim 10 recites “a set policy module *controlled by the user* for entering and updating the user policy and response information,” “an apply policy module applying parameters of the *user policy* to information transfer requests from the requesting computing system and filtering stored response information to create a filtered response for the requesting computing system *based on the parameters of the user policy*,” and “a delegate response module sending the filtered response along with a use policy to the requesting computing system.” (Emphasis added). Claim 19 recites “applying parameters of a *user policy exclusively controlled by the user* to the information transfer request to compile a response and a response level *based on the user policy*,” and “sending the response to the requesting computing system based on the response level in order to provide the *personal, policy-controlled* automated response to the requesting computing system.” (Emphasis added).

The dependent claims, *i.e.* claims 3, 5-9, 11-13, 15-18, 20-21, and 24-27, depend from the above allowable independent claims and are, thus, also allowable over the prior art of record. As such, Applicant respectfully requests that the Examiner allow claims 1, 3, 5-13, 15-21 and 24-27 for at least the reasons previously noted, as they are patentable over the cited references.

Conclusion

This Amendment fully responds to the Final Office Action mailed on October 17, 2008. Still, that office action may contain arguments and rejections and that are not directly addressed by this Amendment because they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Final Office Action should not be taken as an indication that the Applicant believes the argument to have merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Amendment. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to the credit card on file.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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Greg Johnson, Reg. No. 59,027
Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1651